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Date: June 22, 2004

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Name: Examiner Gushi, R.

Firm: MS Petition
Commissioner for Patents

City & Country: Alexandria, Virginia

Facsimile No.: (703) 308-6916

Atty. Ref.: FP01-003US - U.S. Patent Appl. No. 09/893,931

From: Gerald E. Hespos

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): Masahide Hio et al.			FP01-003US
Appl. No. 09/893,931	Filing Date June 28, 2001	Examiner Gushi, R.	Group Art Unit 2833
<p>I hereby certify that this <u>Transmittal of Petition</u> is being facsimile transmitted to (Identify type of correspondence)</p> <p>the United States Patent and Trademark Office (Fax No. <u>703-308-6916</u>) on <u>June 22, 2004</u>. (Date)</p> <p><u>Marie B. Bufalo</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u>Marie B. Bufalo</u> (Signature)</p>			

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PTO/SB/64 (11-03)

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

FP01-003US

First named inventor: Masahide Hio

Application No.: 09/893,931

Art Unit: 2833

Filed: June 28, 2001

Examiner: Gushi, R.

Title: INSULATION-DISPLACEMENT TERMINAL FITTING

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The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of RCE (\$770.00) and Amendment (identify type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ _____

☐ has been paid previously on _____

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[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3. Terminal disclaimer with disclaimer fee

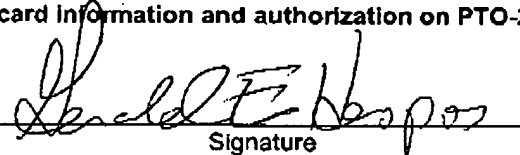
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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June 22, 2004

Date


Signature

Telephone

Number: (212) 725-2450

Gerald E. Hespos

Typed or printed name

274 Madison Avenue - Suite 1703

Address

New York, NY 10016

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Enclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____

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June 22, 2004

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Marie B. Bufalo

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[Page 2 of 2]

PTO/SB/30 (09-03)

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Request
for
Continued Examination (RCE)
TransmittalAddress to:
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Application Number	09/893,931
Filing Date	June 28, 2001
First Named Inventor	Masahide Hio
Art Unit	2833
Examiner Name	Gushi, R.
Attorney Docket Number	FP01-003US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1030
- a. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Gerald E. Hespos	Registration No. (Attorney/Agent)	30,066
Signature	<i>Gerald E. Hespos</i>	Date	May 20, 2004

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Name (Print/Type)	Marie B. Bufalo	Date	May 20, 2004
Signature	<i>Marie B. Bufalo</i>		

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Group Art Unit: 2833
Examiner: Gushi, R.

Atty. Ref.: FP01-003US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Masahide Hio
Eiji Kojima
Appl. No. : 09/893,931
Filed : June 28, 2001
For : INSULATION-DISPLACEMENT TERMINAL FITTING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

This Amendment is submitted concurrently with a Request for Continued Examination (RCE). Please amend the application as follows:

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CLAIM AMENDMENTS:

9. (currently amended) An insulation-displacement terminal fitting, comprising: a base wall, first and second opposed parallel side walls projecting perpendicularly from opposite sides of the base wall and defining a wire-receiving space between the side walls, first and second opposed V-shaped insulation-displacement portions projecting respectively from the first and second side walls into the wire-receiving space, first and second ~~substantially planar~~ locks projecting respectively from the first and second side walls into the wire-receiving space in positions spaced from the insulation-displacement portions, each of said planar locks being completely planar to define a single plane aligned substantially normal to the respective side walls and the base wall, said first and second locks having opposite planar surfaces and being formed respectively with first and second edges extending between the opposite planar surfaces of the respective locks, the first and second edges defining portions distal ends of the respective first and second locks furthest from the respective first and second side walls, ~~whereby a wire can be inserted into the wire receiving space sufficiently for cutting a resin coating of the wire by projecting ends of the insulation-displacement portions and bringing~~ being configured for cutting a resin coating on a wire inserted into the wire receiving space so that a core of the wire ~~into contacts with the projecting ends of the insulation-displacement portions, and wherein the edges of the locks being disposed to bite into at least the resin coating so that~~ the planar surfaces of each of said locks are aligned normal to a longitudinal direction of the wire and engage cut-open surfaces of the resin coating for resisting a pull out force on the wire in directions along the longitudinal direction of the wire and normal to the planar surfaces of the locks.

12. (previously presented) An insulation-displacement terminal fitting according to claim 9, wherein the locks project by a sufficient distance for contacting the core.

13. (previously presented) An insulation-displacement terminal fitting according to claim 12, wherein the locks and the insulation-displacement portions project substantially equal distances from the respective side walls.

14. (previously presented) An insulation-displacement terminal fitting according to claim 9, comprising a front end defining an engaging portion for engaging a mating terminal, the insulation displacement-terminal portions being rearward of the engaging portion, the locks being rearward of the insulation-displacement portions.

REMARKS

Reconsideration of this application, as amended, is requested.

The applicants appealed a final rejection of the claims that existed prior to this Amendment. The merits of the rejection were carefully briefed by both counsel and Examiner Gushi and an oral argument was heard on February 17, 2004. The Board of Patent Appeals and Interferences issued a Decision on March 8, 2004 in which the final rejection of the claims existing prior to this Amendment was affirmed. The Examiner will note that a substantial part of the Decision emphasizes differences between the arguments made by counsel and the limitations in the claims as interpreted broadly and in view of the specification. In particular, page 12 of the Decision notes that "the locks need only be 'substantially planar'" pursuant to claim 9. The Board noted that there are no limitations for "substantially" in the specification, and hence the elements 41a and 41b of Endo were deemed to be substantially planar. The few sentences bridging pages 12 and 13 of the Decision were very instructive for identifying aspects of the appealed claims that led to the Board's affirmation of the final rejection. In particular, the Board emphasized:

"The language of the claims does not recite that the contact must be the distal end of the substantially planar lock or that the lock must be completely planar or perpendicular to the wire. We find that as long as the lock is not a completely curved surface that the multiple planes taught by Endo would have been substantially planar since the claim does not recite substantially a single plane. Here we find the Examiner's rejection to be based upon the breadth of appellants' claimed invention."

The full paragraph on page 13 also is instructive for understanding the reasoning behind the Decision of the Board. In particular, the Board quoted from the Appeal Brief where counsel argued that "neither of the references teaches planar locks

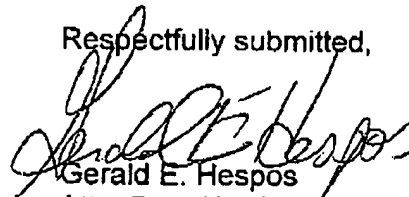
normal to the side wall and having first and second edges for cutting the insulation". The Board then emphasized that "while this level of specificity may have been desired by appellants in the language of independent claim 9, appellants claim language does not support such a specific argument as discussed above."

The preceding amendments to independent claim 9 are believed to address each of the deficiencies in the previously rejected claim 9 as noted in the above-quoted sections of the Decision. In particular, amended claim 9 now defines each of the locks as "being completely planar to define a single plane aligned substantially normal to the respective side walls and the base wall." Additionally, the first and second locks are defined as "having opposite parallel planar surfaces and being formed respectively with first and second edges extending between the opposite planar surfaces of the respective locks" so that "the first and second edges defining portions distal ends of the respective first and second locks furthest from the respective first and second side walls." Additionally, the edges of the locks are defined as "being disposed to bite into at least the resin coating so that the planar surfaces of each of said locks are aligned normal to a longitudinal direction of the wire and engage cut-open surfaces of the resin coating for resisting a pull-out force on the wire in directions along the longitudinal direction of the wire and normal to the planar surfaces of the locks."

It is again emphasized that the above-described locks are part of a terminal fitting that also has "V-shaped insulation-displacement portions." Thus, the V-shaped insulation-displacement portions achieve a desirably large contact area with the core of the wire, while the locks resist a pull-out force on the wire "in directions along the longitudinal direction of the wire and normal to the planar surfaces of the locks."

It is believed that the amended claims distinguish patentably over the prior art in view of these new limitations considered in the context of the above-quoted reasoning from the Decision of the Board. The Examiner is urged to contact applicants attorney at the number below to expedite the prosecution.

Respectfully submitted,



Gerald E. Hespos

Atty. Reg. No. 30,066

Customer No. 001218

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Date: May 20, 2004